

FILED

APR 27 2016

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. S1-4:15 CR 549 CEJ (NCC)
)
 FRANKIE M. LEWIS,)
)
 Defendant.)

SUPERSEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the indictment:

A. Introduction

1. The State of Missouri Department of Revenue has the duty of ensuring that motor vehicles belonging to the residents of the state are properly titled. Individuals who obtain their vehicles from private parties must title them within 30 days of their purchase by taking specified documents to one of the Department of Revenue Offices or authorized private contractors located throughout the State of Missouri. The documents include an Application for Missouri Title, a safety inspection, paid personal property tax receipt or statement of non-assessment, and proof of insurance. Vehicles may be registered for one or two years.

2. If a vehicle owner's title has been lost, mutilated or destroyed, the owner of the vehicle may apply for a duplicate title. The owner must submit an application for title marked "duplicate" to one of the Department of Revenue Offices or authorized private contractors

located in Missouri. The application must be notarized; that is, the owner's signature must be witnessed by a notary public and the notary must complete the notarization box.

3. Once the automobile owner provides the appropriate documentation to the local Department of Revenue office in order to obtain a new registration or to obtain a duplicate title, the receiving office forwards, through the U.S. Postal Service, the specified documents to the Department of Revenue in Jefferson City, Missouri. Upon receipt of the documents, the Department processes the application. If approved, the Department mails the requested title to the registered owner at the designated address.

B. The Scheme to Defraud

1. Between in or about January 2011, and in or about December 10, 2011, in the Eastern District of Missouri and elsewhere,

FRANKIE M. LEWIS,

the defendant herein, and another, acting together, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, which scheme and artifice to defraud is more fully described, as follows:

2. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, conducted business from Sure Start Battery & Tire Company, 6767 St. Charles Rock Road.

3. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, provided false and fraudulent safety and auto emissions test documents to vehicle owners.

4. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, provided false and fraudulent documents purporting to show vehicle insurance to vehicle owners.

5. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, provided false and fraudulent bill of sale documents to vehicle owners that reduced the actual sales price to a lower sales price for the purpose of reducing the amount of Missouri state sales tax due and owing on particular vehicles.

6. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, provided false and fraudulent personal property tax receipts to vehicle owners purporting to show that property taxes had been paid in order for vehicle owners to register their vehicles.

7. It was part of said scheme and artifice to defraud that defendant Frankie M. Lewis and another, acting together, obtained State of Missouri vehicle registrations and license plates for various individuals for a fee, knowing vehicles in some cases had failed required emissions testing and avoiding State of Missouri taxes. Defendant Frankie M. Lewis and another, acting together, received illegal payments from the vehicle owners for these services.

8. It was part of said scheme and artifice to defraud that, in reliance on the false statements and representations and omissions made by defendant Frankie M. Lewis and another, acting together, these documents would then be processed as true and correct by the office fee/contract clerks bypassing vehicle emissions testing and depriving the state of Missouri of fees and taxes.

9. It was part of said scheme and artifice to defraud that, in reliance on the false statements and representations and omissions made by defendant Frankie M. Lewis and another, acting together, the State of Missouri issued vehicle registrations and duplicate titles for said vehicles.

C. The Mailing

1. In October 2011, a 2002 Cadillac Escalade was reported stolen by its owner, Confidential Witness (CW). The vehicle had been missing since June 2011. Between June 2011 and December 2011, this vehicle was observed being driven by defendant Frankie M. Lewis.

2. On or about July 8, 2011, in the Eastern District of Missouri and elsewhere,

FRANKIE M. LEWIS,

defendant herein and another, acting together, for the purpose of executing the aforementioned scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations, and attempting to do so, did knowingly and willfully place and cause to be placed in a U.S. Post Office or authorized depository for mail matter, an envelope containing an a Duplicate Motor Vehicle Title Receipt falsely stating that CW had lost the original title to a 2002 Cadillac Escalade and bearing the forged signature of CW mailed from 4628 South Kingshighway Boulevard, St. Louis, Missouri 63109, to the Missouri Department of Revenue, Motor Vehicle Bureau, P.O. Box 3111, Jefferson City, Missouri 65102-3111.

In violation of Title 18, United States Code, Sections 2 and 1341.

COUNT TWO

1. The Grand Jury realleges paragraphs one through three of Section A and paragraphs one through nine of Section B and paragraph one of Section C of Count One, which are incorporated herein as if fully set forth.

2. The Grand Jury further charges:

On or about July 19, 2011, in the Eastern District of Missouri,

FRANKIE M. LEWIS,

defendant herein and another, acting together, for the purpose of executing the aforementioned scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations, and attempting to do so, did knowingly and willfully place and cause to be placed in a U.S. Post Office or authorized depository for mail matter, an envelope containing a Duplicate Motor Vehicle Title Receipt falsely stating that CW had not received a duplicate title to a 2002 Cadillac Escalade and bearing the forged signature of CW mailed from 4628 South Kingshighway Boulevard, St. Louis, Missouri 63109, to the Missouri Department of Revenue, Motor Vehicle Bureau, P.O. Box 3111, Jefferson City, Missouri 65102-3111.

In violation of Title 18, United States Code, Sections 2 and 1341.

COUNT THREE

1. The Grand Jury realleges paragraphs one through three of Section A and paragraphs one through nine of Section B and paragraph one of Section C of Count One, which are incorporated herein as if fully set forth.

2. The Grand Jury further charges:

On or about October 17, 2011, in the Eastern District of Missouri,

FRANKIE M. LEWIS,

defendant and another, acting together, herein, for the purpose of executing the aforementioned scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations, and attempting to do so, did knowingly and willfully place and cause to be placed in a U.S. Post Office or authorized depository for mail matter, an envelope containing an Original Motor Vehicle Title Receipt, a fraudulent Bill of Sale form, and a State of Missouri Certificate of Title bearing the forged signature of CW mailed from 4628 South Kingshighway Boulevard, St. Louis, Missouri 63109, to the Missouri Department of Revenue, Motor Vehicle Bureau, P.O. Box 3111, Jefferson City, Missouri 65102-3111.

In violation of Title 18, United States Code, Sections 2 and 1341.

COUNT IV

The Grand Jury further charges that:

1. On or about April 5, 2016, within the Eastern District of Missouri,

FRANKIE M. LEWIS,

the defendant herein, in a matter within the jurisdiction of the United States Pretrial Services Office, an agency of the United States of America, did willfully and knowingly make and use and cause to be made and used, a false writing and document containing a materially false statement, knowing the same to contain such statement, in that, in documents labeled "Earnings Statements" submitted to the United States Pretrial Services Office, the defendant stated and represented and caused to be stated and represented in documents that he had been employed by Kings Express from March 25, 2016 to April 1, 2016, whereas, in truth and fact, as he then well

knew, said statement was false.

In violation of Title 18, United States Code, Section 1001.

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

CARRIE COSTANTIN, #35925MO
Assistant United States Attorney